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10/027,048	12/20/2001	Rod Walsh	004770.00025	2223

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,048

Applicant(s)

WALSH ET AL.

Examiner

Kimberly D Flynn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/02, and 5/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-6, 8-10, and 12 of U.S. Patent No. 6,728,241.

3. The distinction between the present application and patent No. 6,728,241 are as follows:

Application No. 10/027,048

Patent No. 6,728,241

<b>Claims 1, 7-8, 12, and 18.</b>	<b>Claim 4. Steps (f) and (g).</b>	<b>Claim 12. shortened</b>
A device for filtering data, wherein the data is formatted in a packet having discrete segments, the device comprising;	A method for processing a data stream by a filter arrangement for services, the method comprising the steps of:	A receiver that processes a data stream for services, the receiver comprising, a filter arrangement, wherein the filter arrangement comprises:

<p>A mapping module that contains control logic for performing steps comprising:</p> <p>(a) receiving the identification of at least two clusters of discrete segments of data; and</p> <p>(b) selecting at least two of a plurality of fixed length filters to filter the at least two clusters.</p>	<p>(f) receiving the identification of at least two clusters, the at least two clusters comprising the first segment of the first packet and the second segment of the second packet; and</p> <p>(g) selecting at least two of a plurality of fixed length filters to filter the at least two clusters</p> <p><i>The distinctions would have been obvious because the steps, although not identical, are functionally equivalent.</i></p>	<p>A mapping module that obtains an identification of at least two clusters and that selects at least two of a plurality of fixed length filters to filter the at least two clusters.</p> <p><i>The distinctions would have been obvious because the steps, although not identical, are functionally equivalent.</i></p>
<p><b>Claims 9 and 10.</b></p> <p>The device of claim 1 comprises:</p> <p>receiving an identification of</p>		<p><b>Claims 8-10.</b></p> <p>The first segment is selected from a group consisting of a Table_ID and address</p>

<p>a protocol of the data and a value wherein the protocol comprises DVB-T and the value comprises an IP address.</p>		<p>identification, and a protocol identification wherein the protocol identification corresponds to Internet Protocol over digital video broadcast (DVB_IP) and wherein the address identification is selected from a group comprising an IP version 4 address and an IP version 6 address.</p> <p><i>The distinctions would have been obvious because the identification of the data is equivalent.</i></p>
<p><b>Claims 13-14 and 19-20.</b></p> <p>The method further comprising the steps of:</p> <p>generating a filter mask that identifies segments of the at least two of a plurality of fixed length filters and</p>		<p><b>Claims 5 and 6.</b></p> <p>The method further comprising the steps of:</p> <p>generating a filter mask that identifies segments of the at least two of a plurality of fixed length filters and</p>

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providing filter values.		providing filter values.  <i>There is no distinction.</i>
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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 10 recites the limitation "the protocol" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9, 11-18, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lakshman et al. U.S. Patent No. 5,951,651; hereinafter Lakshman).

In considering claims 1, 7-8, 12, and 18 Lakshman discloses a device for filtering data, wherein the data is formatted in a packet having discrete segments, the device comprising:

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a mapping module (router) that contains control logic for performing steps comprising:

(a) receiving the identification of at least two clusters of the discrete segments of data (packets contain segments of data see fig. 1) (col. 4, lines 48-54); and

(b) selecting at least two of a plurality of fixed length filters to filter the at least two clusters (col. 4, lines 54-55 see also col. 5, lines 7-16).

In considering claim 2, Lakshman discloses that the plurality of fixed length filters have a common length (col. 4, lines 30-33).

In considering claim 3, Lakshman discloses that each of the plurality of fixed length filters is 2 bytes (fig. 5, 75b).

In considering claim 4, Lakshman discloses that the plurality of fixed length filters is configured so that each of the plurality of fixed length filters has an offset value corresponding to one of the discrete segments of the packet (col. 4, lines 41-44).

In considering claim 5, Lakshman discloses that at least one of the plurality of fixed length filters has an offset value of 0 (col. 4, lines 33-34).

In considering claims 6 and 17, Lakshman discloses that a first one of the at least two clusters of data is formatted in accordance with a first protocol and a second one of the at least two clusters of data is formatted in accordance with a second protocol different than the first protocol (col. 2, lines 23-34).

In considering claim 9, Lakshman discloses receiving an identification of a protocol of the data and a value (col. 6, lines 34-40).

In considering claim 11, Lakshman discloses that the mapping module contains further control logic for performing the steps of: mapping the identification of the

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protocol of the data and the value to the at least two clusters of the discrete segments of data (col. 6, lines 42-51) .

In considering claims 13-14 and 19-20, Lakshman discloses the steps of generating a filter mask that identifies segments of the at least two of a plurality of fixed length filters (col. 4, lines 55-66) and providing the filter values (col. 4, lines 66-67 through col. 5, lines 1-3).

In considering claims 15 and 21, Lakshman discloses the method further comprising the step of:

generating at least one rule for combining data filtered by at least two of a plurality of fixed length filters (col. 7, lines 1-17).

In considering claims 16 and 22, Lakshman discloses the method comprising the step of:

selecting offset values for the at least two of the plurality of fixed length filters (col. 5, lines 25-28).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 571-272-3954. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

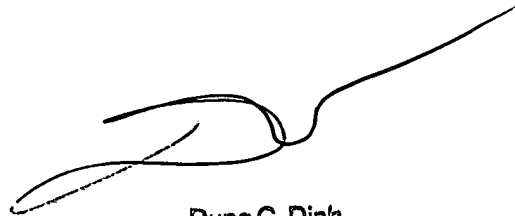


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly D Flynn  
Examiner  
Art Unit 2153

KDF

A handwritten signature in black ink, appearing to read 'Dung C. Dinh', with a long, sweeping horizontal stroke extending to the right.

Dung C. Dinh  
Primary Examiner